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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PHILADELPHIA DISTRICT OFFICE

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FRANCISCO X. FERNANDEZ, : EEOC Hearing No.  
Complainant, : 170-A3-8006X  
vs. :  
JOHN ASHCROFT, ATTORNEY :  
GENERAL, DEPARTMENT OF :  
JUSTICE, : Agency Case No.  
Agency. : D-02-3654  
: X

TUESDAY, JUNE 10, 2003  
PHILADELPHIA, PENNSYLVANIA

Continuation of Equal Employment Opportunity Commission Hearing, taken at the Department of Drug Enforcement Administration, Philadelphia Field Division, Federal Building, 6th & Arch Streets, 10th floor, commencing at 9:10 a.m., before Denise Weller, a Registered Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

1 A P P E A R A N C E S :

2

3 UNITED STATES DEPARTMENT OF JUSTICE  
4 BY: LYNN L. GOLDSTEIN, ESQUIRE  
ADELE H. ODEGARD, ESQUIRE  
5 Office of Chief Counsel  
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Alexandria, VA 22301  
6 (202) 307-8040  
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8

DRUG ENFORCEMENT ADMINISTRATION  
BY: FRANCISCO FERNANDEZ  
1012 College Road  
Suite 205  
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(302) 672-6383

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
PHILADELPHIA DISTRICT OFFICE  
BY: DONNA NUTTER RODWELL  
Administrative Judge  
The Bourse  
Suite 400  
Philadelphia, PA 19106-2515  
(215) 440-2808

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5	DEMPSEY JONES	4
6	GARY O'HARA	76
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16	EXHIBITS_ (Admitted)	
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22	Complainant-42, C-42A and C42B	
23	Complainant-43	
24		

1 rating, Your Honor.

2 JUDGE RODWELL: Outstanding. So you  
3 were aware -- you were aware that Mr.  
4 Fernandez had received outstanding  
5 performance ratings or you would have been  
6 informed of that?

7 THE WITNESS: Yes.

8 JUDGE RODWELL: So you did not have  
9 your -- you did not have or look at the  
10 actual evaluation --

11 THE WITNESS: No.

12 JUDGE RODWELL: -- itself from the  
13 supervisor?

14 THE WITNESS: No.

15 JUDGE RODWELL: Or go back to check  
16 for each candidate. Why didn't you do that?

17 THE WITNESS: It's not a protocol.  
18 It's not a procedure to do that. Because I  
19 would be calling up 15 to 20 candidates  
20 asking them to send me their -- a copy of  
21 their performance evaluations and we have  
22 never done it.

23 JUDGE RODWELL: Okay.

24 BY MR. FERNANDEZ:

1 Q. And the system, sir, my personnel  
2 file is maintained here across the hall; is that  
3 correct?

4 MR. FERNANDEZ: Did you go and look  
5 at personnel files?

6 THE WITNESS: No, ma'am. If I did  
7 that, I would be giving him preferential  
8 treatment. And that would not have been the  
9 right thing to do. Because I didn't have  
10 access to the other candidates' personnel  
11 file.

12 JUDGE RODWELL: For example, the  
13 candidates who were not in the Philadelphia  
14 district. Were there candidates who were  
15 outside --

16 THE WITNESS: Yes.

17 JUDGE RODWELL: Whose personnel  
18 files were not across the hall?

19 THE WITNESS: Yes. And I did not  
20 pull there's.

21 JUDGE RODWELL: Okay.

22 MR. FERNANDEZ: Sir --

23 JUDGE RODWELL: That is something,  
24 Mr. Fernandez, you know, I -- you know, I

FRI 12/19/2005 V(A)

**Fernandez, Francisco X**

**From:** Mastrogiovanni, Bernadette M.  
**Sent:** Friday, December 09, 2005 11:24 AM  
**To:** Fernandez, Francisco X  
**Subject:** RE: Personnel File

It was sent to the Administrative Support Unit along with Lou D'Ambrosio's.

-----Original Message-----

**From:** Fernandez, Francisco X  
**Sent:** Friday, December 09, 2005 10:20 AM  
**To:** Mastrogiovanni, Bernadette M.  
**Subject:** RE: Personnel File

Bernadette do you recall who you sent it to? Need to access information. Thanks and God Bless

Frank

-----Original Message-----

**From:** Mastrogiovanni, Bernadette M.  
**Sent:** Friday, December 09, 2005 9:49 AM  
**To:** Fernandez, Francisco X  
**Subject:** RE: Personnel File

Hi Frank,

Hope all is well. I FedExed your personnel file to Miami on September 9, 2005.

Have a wonderful holiday.

BM

-----Original Message-----

**From:** Fernandez, Francisco X  
**Sent:** Thursday, December 08, 2005 3:01 PM  
**To:** Mastrogiovanni, Bernadette M.  
**Subject:** Personnel File

Bernadette, hope all is doing well. Quick question, my personnel file maintained at the Philadelphia Office, does it get forwarded to my new post of duty Miami FD? Frank F.